



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT		2. CHARGING PARTY	
a. Name of Charged Agency (include address, city, state, & ZIP) U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460		a. Name of Charging Party (include address, city, state, & ZIP) National Council of EPA Locals #238 American Federation of Government Employees (AFL-CIO) P.O. Box 2546 Chicago, IL 60690	
b. Agency Representative (include name, title, address) Krysti Corbett Division Director Labor & Employee Relations (OARM/OHR/LERD)		b. Charging Party Representative (include name, title, address) Thomas F. Muther, Jr. Minahan Muther Klinger, PC 5132 W 26 Ave Denver, CO 80212	
tel. (202) 564-6295 fax (202) 564-8121 e-mail		tel. (303)986-0054 fax (303)986-1137 e-mail josh@cofedlaw.com	
3. BASIS OF THE CHARGE			
a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts. <p>On June 25, 2019, the Agency notified the Union of its intention to repudiate the 2007 Master Collective Bargaining Agreement along with the 2013 Groundrules and Addendum that were entered into by the parties to govern contract negotiations. Additionally, the Agency notified the Union of its intention to engage in bad faith bargaining by implementing a unilaterally imposed replacement "collective bargaining agreement" on July 8, 2019.</p> <p>The Union specifically requests the FLRA to take steps to have the Agency's repudiation and bad faith bargaining attempts enjoined.</p>			
19-0606			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? <input checked="" type="checkbox"/> (1) <input type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input checked="" type="checkbox"/> (5) <input type="checkbox"/> (6) <input type="checkbox"/> (7) <input checked="" type="checkbox"/> (8)			
c. Have you or anyone else raised this matter in any other procedure? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, where? <input checked="" type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input checked="" type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceeding <input checked="" type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other			
4. DECLARATION			
I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.			
THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]			
<input checked="" type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)			
Thomas F. Muther		June 25, 2019	
Type or Print Your Name		Your Signature	
		Date	

* * * Communication Result Report (Jun. 25, 2019 11:21AM) * * *

1
2

Date/Time: Jun. 25, 2019 11:18AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0885 Memory TX		FLRA DENVER	P. 1	OK	

Reason for error

E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection
 E. 6) Destination does not support IP-Fax

UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY		FOR FLRA USE ONLY	
		Case No.	
		019-0000	
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT a. Name of Charged Agency (include address, city, state, & zip) U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460		2. CHARGING PARTY a. Name of Charging Party (include address, city, state, & zip) National Council of EPA Local #235 American Federation of Government Employees (AFGE-CIO) P.O. Box 2546 Chicago, IL 60690	
b. Agency Representative (include name, title, telephone) Krysti Corbett Division Director Labor & Employee Relations (OASR/OHR/LERD)		b. Charging Party Attorney (include name, title, telephone) Thomas F. Muther, Jr. Michael Muller Xinger, PC 5137 W 26 Ave Denver, CO 80212 tel. (303) 915-0054 fax (303) 986-1137 e-mail jach@cof-law.com	
3. BASIS OF THE CHARGE a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.			
<p>On June 25, 2019, the Agency notified the Union of its intention to replace the 2007 Master Collective Bargaining Agreement along with the 2013 Memorandum and Addendum that were entered into by the parties to govern contract negotiations. Additionally, the Agency notified the Union of its intention to engage in budget bargaining by implementing a unilaterally imposed replacement "inffective bargaining agreement" on July 8, 2019.</p> <p>The Union specifically requests the FIRA to take steps to have the Agency's representation and budget bargaining attempts enjoined.</p> <p>19-0006</p>			
b. Which section(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? <input checked="" type="checkbox"/> (1) <input type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8) <input type="checkbox"/>			
c. Have you or anyone else raised this matter in any other procedure? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, where? 1. Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel 2. Equal Employment Opportunity Complaint <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel 3. Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FIPA <input type="checkbox"/> Other _____			
4. DECLARATION <p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WHOLELY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 2020.</p> <p>THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 3B BY [check all appropriate boxes]</p> <p><input type="checkbox"/> In Person <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p>Thomas F. Muther  Your Signature _____ Date _____</p> <p>Type or Print Your Name _____</p>			

* * * Communication Result Report (Jun. 25, 2019 11:21AM) * * *

1)

2)

Date/Time: Jun. 25, 2019 11:19AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0886 Memory TX	12025648121	P. 1	OK	

Reason for error

E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection
 E. 6) Destination does not support IP-Fax

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1. AGENCY AGAINST WHICH CHARGE IS BROUGHT a. Name of Charged Agency (Include address, city, state, & zip) U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460		2. CHARGING PARTY b. Name of Charging Party (Include address, city, state) National Council of EPA Locals 4238 American Federation of Government Employees (AFGE) P.O. Box 2346 Chicago, IL 60690	
b. Agency Representative (Include name, title, address) Krysti Corbett Director Labor & Employee Relations (OARM/ONR/LERD)		b. Charging Party Representative (Include name, title, address) Thomas F. Mather, Jr. Minshen Mather Kinger, PC 5132 W 26 Ave Denver, CO 80212	
tel. (202) 564-6255 fax (202) 564-5121 e-mail		tel. (303) 986-0034 fax (303) 986-1137 e-mail josh@cofelaw.com	
3. BASIS OF THE CHARGE b. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.			
<p>On June 25, 2019, the Agency notified the Union of its intention to repudiate the 2017 Master Collective Bargaining Agreement along with the 2013 Memorandum of Agreement that were entered into by the parties to govern contract negotiations. Additionally, the Agency notified the Union of its intention to engage in bad faith bargaining by implementing a unilaterally imposed replacement "executive bargaining agreement" on July 8, 2019.</p> <p>The Union specifically requests the FLRA to take steps to have the Agency's repudiation and bad faith bargaining attempts enjoined.</p> <p>19-0606</p>			
b. Which subsection(s) of 5 U.S.C. 7114(d) do you believe the Agency has violated? <input checked="" type="checkbox"/> (1) <input type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input type="checkbox"/> (6) <input type="checkbox"/> (7) <input type="checkbox"/> (8)			
c. Have you or anyone else raised this matter in any other procedure? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, where? i. Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel ii. Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel iii. Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other _____			
4. DECLARATION			
<p>I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING FALSELY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRIMENT, 28 U.S.C. 2021. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY (check all applicable boxes):</p> <p><input checked="" type="checkbox"/> In Person <input type="checkbox"/> Att. Class Mail <input type="checkbox"/> Fax <input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> e-mail (see reverse)</p> <p>Thomas F. Mather  Your Signature Date June 25, 2019</p>			